



Feasibility of Marriage for Conjoined Twins (A Comparative Analysis in Light of Islamic Jurisprudence Schools)

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Introduction

The biological phenomenon of conjoined twins—occasionally observed in humans—has long captivated scholarly and cultural attention, especially in contexts where religious and historical beliefs shape perceptions of bodily anomalies (Rodman & Placencia, 2018, p. 350). Conjoined twins are anatomically fused in utero, with degrees of attachment ranging from superficial (skin and cartilage) to profound (shared vital organs such as cranium or brain) (Madhavan, Naik & Aurora, 1974, p. 340). Archaeological evidence, dating back to prehistoric cave art, pottery, and inscriptions, attests to humanity's awareness of this phenomenon (Farahi-Shalchi, Fazel & Sazgar, 2001, p. 235). Although the exact etiology remains unclear, a combination of genetic and environmental factors is presumed to be responsible (Ratner, Terrone & Cosgrove, 2006, p. 3).

Beyond its medical implications, conjoined twinning raises profound questions in fiqh (Islamic jurisprudence) and legal identity, such as whether they are regarded as one individual or two, how their personal status is determined, and the permissibility of their marriage. The authors hypothesize that no single rule can uniformly apply to all conjoined twins; rather, their legal and religious status depends significantly on whether they are “parasitic” (engli) or “complete” (kamel) in terms of bodily autonomy.

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Historically, early Islamic jurists focused primarily on inheritance issues concerning conjoined twins but without distinguishing between types. In Sunni jurisprudence, rulings on conjoined twins were applied universally (Sharibini 1424 AH: Vol. 2, p. 389; Bajairmi 1427 AH: Vol. 3, p. 328). Similarly, in Shia (Imami) jurisprudence, references pertain exclusively to cases where upper bodies are separate but lower bodies conjoined (Hosseini Maraghi 11/1417 AH, p. 55; ‘Allameh Hilli 3/1413 AH, p. 392; ‘Allamah Hurr Amili 26/1408 AH, p. 297). Such approaches overlook the varied physiological presentations of conjoined twins and the necessity for differentiated personal-status rulings. The rarity of this phenomenon, silence among some jurists, and divergent legal interpretations may explain why national legal systems in Islamic countries have not codified specific provisions.

Literature Review

Domestic legal scholarship on this subject remains sparse. Most work focuses on criminal liability, such as in the doctoral dissertation “Delinquency and Victimhood of Conjoined Twins from the Perspective of Imami Fiqh” (Ghanizadeh, 2019), which categorizes conjoined twins into three groups and examines criminal responsibility and punishment (no references provided). A master’s thesis titled “A Jurisprudential and Legal Study of the Status of Conjoined Twins with Regards to Marriage” (Rahimi Anā, 2021) reviews contemporary fatwas but lacks a systematic normative framework.

Consequently, there is no comprehensive Islamic jurisprudential analysis on the feasibility of marriage for conjoined twins. This study aims to fill that gap using descriptive-analytical methodology and comparative jurisprudence across Islamic schools.

Findings

Biologically, conjoined twins share one fertilized ovum and have dependent shared anatomies unless surgically separated. Jurisprudentially and medically, they may be categorized as parasitic (engli)—one dominant life-sustaining body and a non-functional parasitic appendage—or complete (kamel)—two viable bodies, possibly with separate or shared genitalia. In the former case, they are considered one person; in the latter, typically two distinct persons.

Regarding marriage, the authors argue that parasitic twins (as one person) may legally marry. In complete twins with separate genitalia, marriage is permitted under necessity and supported by Qur'anic principles. However, if genitalia are shared—posing issues of concurrent relationships and confusion in lineage—marriage is impermissible since it violates fiqh reasoning and procreation ethics. Moreover, even with non-sexual arrangements, marriage fails to fulfill its legal and social aims.

The study identifies a regulatory void in national civil codes relating to the personal status and marriage eligibility of conjoined twins. The authors recommend:

1. **Amend Civil Code Chapter 3** to permit marriage of conjoined twins except when genitalia are shared, irrespective of their sex.
2. **Add a proviso to Article 956** of Civil Code Volume II stipulating that, in cases where medical assessment fails to clarify individual identity, “multiplicity of souls”—evidenced by differences in wakefulness and sleep—is the decisive criterion.

Keywords: marriage, parasitic twins, conjoined twins, complete twins, Islamic jurisprudence

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